

President Emomalii Rahmon
Office of the President
pr. Rudaki 80
734023 Dushanbe
Tajikistan

Brussels, 8 November 2012

Re: Concerns regarding the dissolution of the Association of Young Lawyers (Amparo)

Your excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its deep concerns over the decision of the Khujand City Court to close down the Association of Young Lawyers (Amparo), one of the leading human rights organisations in Tajikistan, composed of more than 40 young human rights lawyers who provide free legal assistance to victims of discrimination.

It has been brought to our attention that the civil case against Amparo was opened on 6 August 2012 by the Ministry of Justice and the Department of Justice of Sughd Province, after they carried out an audit of Amparo on 28 June 2012. The audit lasted one day, and on 29 June a legal suit was filed against Amparo on the basis that the association violated its own charter as well as the Law on Public Associations and should therefore be dissolved. After two hearings, on 23 and on 24 October 2012, the Khujand City Court ordered the closure of the organisation. This decision was motivated by the fact that Amparo had not registered its new address with the Department of Justice; that it worked in a number of regions without having applied to open regional branches; that it unlawfully operated a website; and that it conducted training on the rights of army conscripts without the relevant licence.

The CCBE is alarmed by these facts and believes that the Court's decision to order the closure of Amparo is an inappropriate sanction that is at odds with the formal character of the offences allegedly committed by Amparo.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE urges you to take urgent steps to secure freedom of association in Tajikistan and guarantee, in all circumstances, that human rights lawyers are able to carry out their legitimate and peaceful activities without fear of reprisals and free of all restrictions including judicial harassment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Prunbauer-Glaser', with a long vertical stroke extending downwards from the end of the signature.

Marcella PRUNBAUER-GLASER

CCBE President